

**AFFIDAVIT**

1:19MJ2205

I, Jason Watson, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent of the Federal Bureau of Investigation, and, as such, am an investigative or law enforcement officer of the United States within the meaning of Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure. I am engaged in the enforcement of criminal laws and I am within a category of officers authorized by the Attorney General to request criminal complaints pursuant to Title 18 U.S.C. §§ 3052 and 3107; and DOJ regulations set forth at 28 C.F.R. §§ 0.85 and 60.2a. This authority includes the authority to request and execute criminal complaints and arrest warrants pursuant to Rules 3 and 4 of the Federal Rules of Criminal Procedure.

2. I have been employed as a Special Agent for over fifteen years. I am currently assigned to the Cleveland, Ohio office. My responsibilities include conducting investigations of white collar crime matters to include bank fraud, money laundering, embezzlements, mail/wire fraud, and securities fraud. I have participated in all of the usual methods of investigation including, but not limited to, financial analysis, physical surveillance, cooperating witnesses, confidential human sources, telephone toll record analysis, email records analysis, interception of wire and cellular telephone communications, consensual monitoring, and in the execution of search and arrest warrants. I have received extensive training in the area of criminal investigations, including the investigation of financial crimes. Prior to my employment with the FBI, I was employed as an auditor for a public accounting firm.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested issuance of a federal criminal complaint and does not set forth all of my knowledge about this matter.

**SUBJECT**

4. JAY LEVERETTE, is a male, black hair, brown eyes, born on xx/xx/1988, and a resident of Charlotte, NC.

5. ROCCO MUZZILLO, is a male, bald, blue eyes, born on xx/xx/1961, and currently incarcerated in the London Correctional Institution in London, OH.

6. I submit there is probable cause to believe that, from approximately November 2017 through August 2, 2019, in the Northern District of Ohio, and elsewhere, JAY LEVERETTE, ROCCO MUZZILLO and others to include Emma Zander and Sherman Houser, conspired, attempted and committed bank fraud in violation of Title 18 U.S.C., Sections 1349 and 1344. I hereby request the issuance of an arrest warrant for JAY LEVERETTE and ROCCO MUZZILLO.

**PROBABLE CAUSE**

7. KeyBank, Fifth Third Bank, Regions Bank, Huntington Bank, Wells Fargo Bank, Branch Banking and Trust, SunTrust Bank, Bank of America, and M&T Bank are financial institutions as defined in Title 18, United States Code, Section 20, the deposits of which are insured by the Federal Deposit Insurance Corporation.

8. Records received from Regions Bank to include bank surveillance photographs showed JAY LEVERETTE enter a Regions Bank branch in Cornelius, NC on November 16, 2017 with D.B., an individual who is known to me but redacted herein. D.B. presented a fake driver's license to bank personnel and added the name on the driver's license to a business account for which LEVERETTE was the owner of the bank account. On December 7, 2017,

LEVERETTE entered a Regions Bank branch in Charlotte, NC along with D.B. D.B. presented a fake driver's license to bank personnel and attempted to add the name on the license to the personal checking account of LEVERETTE. D.B. was unable to recite the social security number of the individual whose name was on the license, and bank personnel did not add the name to LEVERETTE's account. Regions Bank froze the account of the individual who was listed on the fake license, therefore no losses were incurred.

9. Records received from Wells Fargo Bank, Branch Banking and Trust, SunTrust Bank, Bank of America, and M&T Bank, revealed that between November 27, 2017 and October 11, 2018, fraudulent checks were deposited into business and personal bank accounts of LEVERETTE. The majority of the proceeds of the fraudulent checks were frozen by the respective banks. Each bank's loss associated with the fraudulent checks are noted in the chart below:

Bank	Account Type	Fraudulent Check Deposit Date	Fraudulent Check Amount	Loss Amount to Bank
Wells Fargo Bank	Business Checking	11/27/2017	\$173,000	\$2,193.70
Branch Banking & Trust	Personal Checking	04/23/2018	\$95,000	\$0.00
SunTrust Bank	Business Checking	06/11/2018	\$168,000	\$411.25
Bank of America	Personal Checking	06/30/2018	\$12,000	\$568.62
M&T Bank	Business Checking	10/11/2018	\$82,600	\$4,569.60

10. On August 8, 2018, MUZZILLO entered a US Bank in Cincinnati, Ohio and presented a fraudulent State of California driver's license which contained MUZZILLO's photo and physical description; however, the actual identification data was that of victim G.F whose

identity is known to the affiant but redacted herein. MUZZILLO attempted to make three separate withdrawals of \$3,000, \$5,000 and \$30,000 from G.F.'s accounts by signing G.F.'s name. MUZZILLO was able to provide the victim's account number, social security number, and wife's name to the US Bank employee. A US Bank employee became suspicious of the withdrawal requests and contacted the Cincinnati Police Department (hereafter referred to as CPD). MUZZILLO exited US Bank, and was arrested by CPD.

11. On April 30, 2019, MUZZILLO pleaded guilty in Hamilton County Ohio to state charges which included two counts of Identity Fraud (2913-49B1), one count of Theft (2913-02A3), and one count of Forgery (2913-31A3). This guilty plea reflects MUZZILLO's theft of funds from U.S. Bank by impersonating bank customers on August 6, 2018 and August 8, 2018.

12. U.S. Bank records to include bank surveillance photographs showed MUZZILLO and another co-conspirator known to your affiant enter a U.S. Bank in Burbank, IL on February 16, 2018. MUZZILLO utilized a fake driver's license and attempted to add the name listed on the fake driver's license to the account in the name of the co-conspirator. A Wells Fargo credit card statement in the name of JAY LEVERETTE included a \$5.09 charge at Shell Oil in Chicago, IL on February 15, 2018.

13. I reviewed bank surveillance photographs from KeyBank and Fifth Third Bank which revealed that between May 17, 2018 and July 11, 2018, MUZZILLO used at least seven different fake driver's licenses to defraud more than eight different financial institutions located in the Northern District of Ohio and elsewhere. MUZZILLO entered each financial institution and presented a fake driver's license to a bank employee in order to impersonate a bank customer. MUZZILLO then fraudulently withdrew cash and sent unauthorized wire transfers to others from victim accountholders. I reviewed withdrawal slips from KeyBank and Fifth Third

Bank which showed unauthorized cash withdrawals by MUZZILLO totaling \$114,000. I reviewed wire transfer requests from KeyBank and Fifth Third Bank which showed unauthorized wire transfers sent by MUZZILLO totaling \$1,713,020.

14. On March 13, 2019, a search warrant was executed on Verizon for telephone number 980-266-2463 for telephone toll data and the related cell tower utilized to transmit the phone call to or from 980-266-2463. Telephone number 980-266-2463 was utilized by LEVERETTE as the contact phone number when LEVERETTE opened various bank accounts in 2017 and 2018 with Bank of America, Branch Banking & Trust, and Woodforest National Bank. Telephone number 980-266-2463 was registered with Verizon from July 5, 2017 through July 15, 2018.

15. Results of the search warrant from Verizon revealed the telephone number used by LEVERETTE, 980-266-2463, utilized cell towers in the same city or near the same city and on the same dates where Muzzillo entered a bank branch, impersonated a bank customer, and defrauded the bank.

16. The below chart represents fraudulent wire transfers and cash withdrawals by MUZZILLO while at branch locations noted below by way of using false identification. Also noted below are the locations of cellular towers which were accessed by LEVERETTE's Verizon account 980-266-2463 on those same dates. KeyBank and Fifth Third Bank are banks whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC).

<b>Date</b>	<b>Financial Institution</b>	<b>Location of Cell Tower Accessed by 980-266-2463</b>	<b>Bank Branch</b>	<b>Fraudulent Wire Transfer</b>	<b>Fraudulent Cash Withdrawal</b>
05/17/2018	Key Bank	Westlake, OH	29900 Detroit Rd. Westlake, OH 44145	\$203,000	\$2,000

05/17/2018	Key Bank	Westlake, OH	1411 Columbia Rd. Westlake, OH 44145	\$0	\$20,000
05/23/2018	Key Bank	Amherst, NY	3050 Niagara Falls Blvd. Amherst, NY 14228	\$256,000	\$12,000
05/25/2018	Key Bank	Portland, OR	3839 NE Broadway Portland, OR 97232	\$458,000	\$22,000
05/29/2018	Key Bank	Syracuse, NY	1510 W Genesee St. Syracuse, NY 13204	\$171,000	\$12,000
06/01/2018	Key Bank	Irving, NY	1468 West Gore Rd. Erie, PA 16509	\$315,020	\$20,000
06/05/2018	Key Bank	Rochester, NY	70 Lyell Ave. Rochester NY 14608	\$0	\$5,000
07/02/2018	Fifth Third Bank	Maple Heights, OH	9301 Vista Way Garfield Heights, OH 44125	\$310,000	\$23,000

17. Bank records received from KeyBank to include bank surveillance photographs, show MUZZILLO entered KeyBank, 3839 NE Broadway, Portland, OR 97232 on May 25, 2018 whereby MUZZILLO utilized a fake driver's license to withdraw \$22,000 in cash and send a \$458,000 wire transfer from a victim account.

18. Bank records received from Bank of America for the account ending in x9398 in the name of LEVERETTE revealed charges from Delta Airlines with a purchase date of May 24, 2018. Records received from Delta Airlines revealed that LEVERETTE's Bank of America account was used to purchase a flight for MUZZILLO to travel from Buffalo, NY to Portland, OR on May 25, 2018 with a return flight to Buffalo, NY also on May 25, 2018.

19. Records received from United Airlines revealed LEVERETTE flew from Charlotte, North Carolina to Portland, Oregon on May 25, 2018 with a departure time of 6:00 AM. Records from United Airlines revealed LEVERETTE flew from Portland, Oregon to Charlotte, North Carolina on May 25, 2018 with a departure time of 11:15 PM. Records

received from Hertz Rent-A-Car revealed that LEVERETTE rented a vehicle in Portland, OR on May 25, 2018. Records received from the Verizon search warrant on 980-266-2463 revealed the phone for which phone number 980-266-2463 was assigned utilized a cellular tower in Portland, Oregon when receiving and placing phone calls on May 25, 2018.

20. On August 2, 2019, Emma Zander, Sherman Houser, and JAY LEVERETTE were arrested by the Erie Police Department at a Huntington Bank branch located at 2185 West 12th Street, Erie, PA 16505. Each were charged with Pennsylvania state charges of Conspiracy – Theft by Unlawful Taking-Movable Property.

21. Erie Police Department Detective Dave Walker advised that Sherman Houser provided a false driver's license to a Huntington Bank branch teller and attempted to withdraw \$7,000 from the account of J.P., known to me but redacted herein. When Houser's signature did not match that which was on file with the bank, Zander advised the teller that Houser had Parkinsons disease. The Huntington Bank branch manager contacted the police and both Houser, Zander, and LEVERETTE were arrested.

22. Detective Walker interviewed Houser on August 2, 2019. Houser admitted to using false driver's licenses in July 2019 to withdraw \$11,500 from banks in Ohio. Houser also admitted to attempting to withdraw funds from Huntington Bank on August 2, 2019 using a false driver's license. Houser advised that he provided the proceeds from the withdrawals to LEVERETTE, and Houser was then paid \$100 for the transaction. Houser advised that Emma Zander also went to banks and used a fraudulent identification card to withdraw money.

23. Zander was interviewed by Erie Police Department on August 2, 2019, and advised that "Tez", known to you affiant as LEVERETTE, called Zander by phone and picked her up at a house in Niagara Falls, NY. LEVERETTE had asked her if she wanted to go for a

ride. A black male known to Zander as “Old Head” from the streets of Niagara Falls, NY was in the van LEVERETTE was driving. “Old Head” is known to your affiant as HOUSER. Zander advised she fell asleep while driving until they arrived at a Huntington Bank in Erie, PA. Zander went into the bank with Houser, though he was denied from withdrawing money as his signature did not match. They all drove together to another Huntington Bank in Erie, PA where Zander again entered the bank branch with Houser. Zander did not provide any further details.

24. Erica Graham was interviewed by Erie Police Department on August 2, 2019. Graham was present in the van with LEVERETTE at the time of his arrest. LEVERETTE is the father of Graham’s son. Graham advised that LEVERETTE told her they needed to go to the bank to withdraw money before going shopping. LEVERETTE asked Graham to drive LEVERETTE’s van. Houser and Zander went to a bank while Graham was parked at a Krispy Kreme store in Erie, PA. Houser and Zander returned to the car and advised the bank was packed. Graham was then instructed by LEVERETTE to drive to another bank and park in the ‘Save-A-Lot’ parking lot which was across the street from the bank. While Houser and Zander were in the bank, a police car pulled up behind the van at which time Graham and LEVERETTE were taken into custody.

25. Keith Stilwell, Assistant Vice President and Senior Investigator for KeyBank advised that a white female with blonde hair defrauded KeyBank multiple times in July 2019 by presenting a false driver’s license and withdrawing funds from victim bank accounts at KeyBank branches in Ohio and New York. The white female with blond hair also attempted to send a wire transfer, though she left the bank branch when an employee began to ask her questions regarding the transfer. The chart below summarizes the use of a false driver’s license to withdraw funds,



attempt to withdraw funds, and attempt to send a wire transfer from KeyBank customer accounts for which the white female was not authorized to conduct the transaction.

Date	Location	Victim's Initials	Attempted Withdrawal	Attempted Wire Transfer	Actual Loss
07/01/2019	55 Douglas Lane East Aurora, NY 14052	J.K.	\$15,000	\$250,000	\$15,000
07/17/2019	1485 Lexington Ave. Mansfield, OH 44907	K.S.	\$2,000	\$0	\$2,000
07/17/2019	688 N. Lexington Springmill Rd. Mansfield, OH 44906	K.S.	\$4,500	\$0	\$4,500
07/20/2019	8550 Transit Rd East Amherst, NY 14051	K.G.	\$15,000	\$0	\$0
07/20/2019	9640 Transit Road Amherst, NY 140514	K.G.	\$15,000	\$0	\$0

26. On July 26, 2019, a black male with a grey mustache and grey soul patch beard entered a KeyBank branch located at 8 N State Street, Painesville, OH 44077. The black male was accompanied by a white female with blonde hair. The black male presented a false driver's license in the name of B.C., known to me but redacted herein, and attempted to send a \$70,000 wire transfer from the account of B.C. The bank branch did not process the wire transfer.

27. I reviewed bank surveillance photographs provided by KeyBank regarding the fraudulent withdrawals and attempted fraudulent withdrawals described in paragraph twenty-five above. I also reviewed video of an interview of Emma Zander conducted by Detective Walker. The white female with blonde hair who defrauded KeyBank appears to be Emma Zander.

28. I reviewed bank surveillance photographs provided by KeyBank regarding the fraudulent attempted wire transfer described in paragraph twenty-six above. I also reviewed

video of an interview of Emma Zander and an interview of Sherman Houser conducted by Detective Walker. The black male who attempted to defraud KeyBank in Painesville, OH appears to be Sherman Houser. The white female with blonde hair who accompanied the black male within KeyBank appears to be Emma Zander.

29. On August 27, 2019, I obtained a federal search warrant in the Northern District of Ohio for a cellular telephone which was seized by Erie Police Department from the person of Emma Zander pursuant to a search incident to arrest. The examination of the cell phone revealed the following text messages:

a. Text message sent July 25, 2019 from Zander's phone to an individual identified within the phone as 'Old Head' - "Hey it's Emma, i need you to come by Mark's, it's just me here & he wanted me to go over the IDs with you. I have a motivator for you!"

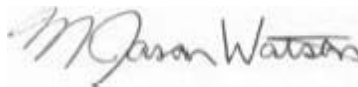
b. Text message sent July 26, 2019 from Zander's phone to an unknown individual - "Hey sweetie I'm ok, damn I can't believe he was yelling at you till 730am!!!! I'm omw back to Mark's with Tez."

30. As noted in paragraph twenty-three, Zander knew LEVERETTE as 'Tez' and Houser as 'Old Head'. As noted in paragraph twenty-six, on July 26, 2019 at a KeyBank branch in Painesville, OH, Houser attempted to send a wire transfer using a false driver's license, and Zander was present with Houser.

### **CONCLUSION**

31. Based on the facts and circumstances noted above, I believe there is probable cause that from approximately November 2017 to August 2, 2019, in the Northern District of Ohio and elsewhere, JAY LEVERETTE, ROCCO MUZZILLO, and others conspired, attempted

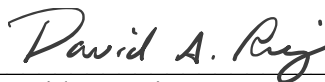
and committed bank fraud in violation of Title 18 U.S.C., Sections 1349 and 1344. I hereby request the issuance of an arrest warrant for JAY LEVERETTE and ROCCO MUZZILLO.



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Jason Watson  
Special Agent  
Federal Bureau of Investigation  
Cleveland, Ohio

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1, on this 27th, day of September, 2019.



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David A. Ruiz  
United States Magistrate Judge